

SB 284

February 12, 2015

Presented by Mike Volesky
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Mike Volesky, Chief of Staff for the Montana Department of Fish, Wildlife and Parks (FWP). I am here on behalf of the Director in opposition to Senate Bill 284.

FWP appreciates the concern about bison translocation, but opposes this bill because it attempts to erode authority for management of Montana's wildlife at a statewide level by giving individual counties "veto" power over wildlife management decisions. That means this bill attempts to supersede MCA 7-1-111 that prohibits counties with self-government powers, from exercising "any power that applies to or affects . . . Title 87," which is the fish and wildlife title of the code.

Even if there were no such current prohibition in statute, the requirement that a board of county commissioners must find a wildlife relocation to be consistent with the elements of a county growth policy is a bit confusing, since there is no statutory requirement that a county adopt a growth policy.

With that said, the agency is governed by a commission, which provides significant public oversight. Additionally, we must adhere to various laws like MEPA that require a full public airing of any decision. This legislation seeks to tip this balance for the first time by granting to counties new wildlife authority without any requirements as to how the review in Section One of this bill is to be conducted.

We do welcome input from county governments on all wildlife management issues. Specific to bison, current statute requires a management plan before bison translocation could occur. Per 87-1-216, that management plan must include provisions for animal health protocols, animal identification and tracking protocols, containment measures, and a number of contingency measures. Also included in current statute are requirements for protecting public safety, for not exceeding range carrying capacity, and for identification of long-term, stable funding sources for management. With all of these plan elements, the department is further required to consult and cooperate with the Department of Livestock.

Current statute also requires the department to provide the opportunity for public comment and hold a public hearing in the affected county or counties, and prior to making a decision, respond to all public comment received and publish a full record of the proceedings at any public hearing.

In addition to all of the above, any management plan must undergo the MEPA process, as well as receive the approval of the Fish and Wildlife Commission. Both of these processes provide even more opportunity for public input and comment, including from county commissions.

On one final note, this bill appears to inadvertently eliminate tribal authorities' ability to determine what may happen on their reservations. It introduces uncertainty about whether a county commission must approve the translocation of bison onto a reservation within the boundaries of a particular county.

FWP believes there is substantial public process for all parties, and especially counties, to weigh in on decisions like bison translocation, and recommends a DO NOT PASS vote on Senate Bill 284.